



ED UPDATES

NATIONAL TITLE I CONFERENCE

FEBRUARY 2018 | PHILADELPHIA, PA

OBJECTIVES

- Provide U.S. Department of Education updates on key initiatives:
 - Supplement not Supplant Update
 - ESSA State Plan Updates
 - Student-Centered Funding Pilot
 - Innovative Assessment Pilot
 - Guidance Update
 - SIG Flexibility

PRESENTERS

- Patrick Rooney, Deputy Director, Office of State Support
- Kay Rigling, Deputy Assistant General Counsel, Office of General Counsel (OGC)



Supplement not Supplant

SUPPLEMENT NOT SUPPLANT

IN GENERAL

The statute requires an SEA or LEA to use Title I funds only to supplement the funds that would, in the absence of those Title I funds, be made available from State and local sources for the education of students participating in Title I programs, and not to supplant such funds.

ESEA section 1118(b)(1)

SUPPLEMENT NOT SUPPLANT

SPECIAL RULE

According to the statute, no LEA shall be required to—

- Identify that an individual cost or service supported with Title I funds is supplemental; or
- Provide Title I services through a particular instructional method or in a particular instructional setting in order to demonstrate compliance.

The special rule applies to both schoolwide programs and targeted assistance programs.

ESEA section 1118(b)(3)

SUPPLEMENT NOT SUPPLANT

DEMONSTRATION OF COMPLIANCE

Under the statute, to demonstrate compliance with the supplement not supplant requirement, an LEA must **demonstrate** that the **methodology** used to **allocate State and local funds** to its schools ensures that **each Title I school receives all of the State and local funds it would otherwise receive** if it were not receiving Title I funds.

ESEA section 1118(b)(2)



SUPPLEMENT NOT SUPPLANT

METHODOLOGIES

An LEA has significant flexibility in adopting a **methodology** to meet the new supplement not supplant requirement. The methodology must—

- Allocate **State and local funds** to schools in the LEA;
- Provide **each Title I school** the State and local funds it would receive were it not a Title I school—i.e., be **neutral** regarding a school's Title I status.

An LEA must be able to **demonstrate compliance**—i.e., that it has implemented its methodology.

SUPPLEMENT NOT SUPPLANT

A WORD OF CAUTION

Consistent with the statute, if an LEA is required by law to provide funding to schools for a specific purpose, the LEA must provide such funds to Title I schools on the same basis as it provides such funds to non-Title I schools, subject to application of the “exclusion” provision.

This includes funds needed to provide services that are required by law for students with disabilities and English learners. See, e.g., ESEA section 1114(a)(2)(B)



SUPPLEMENT NOT SUPPLANT

EXCLUSION OF SUPPLEMENTAL NON-FEDERAL FUNDS

Under the statute, an LEA may exclude from a supplanting determination *supplemental* non-federal funds expended in any school for programs that meet the intent and purposes of Title I.

ESEA section 1118(d)

SUPPLEMENT NOT SUPPLANT

“INTENT AND PURPOSES”

Under the existing Title I regulations, a program meets the intent and purposes of Title I if it either—

- Is implemented in a school with at least 40 percent poverty;
- Is designed to promote schoolwide reform and upgrade the entire educational operation of the school; is designed to meet the educational needs of all students in the school, particularly those who are not meeting State standards; and
- Uses the State’s assessment system to review the effectiveness of the program;

OR



SUPPLEMENT NOT SUPPLANT

“INTENT AND PURPOSES”

- Serves only students who are failing, or most at risk of failing, to meet State standards;
- Provides supplementary services to participating students designed to improve their achievement; and
- Uses the State’s assessment system to review the effectiveness of the program.

34 C.F.R. § 200.79(b)



GUIDANCE UPDATE

TITLE I SUPPLEMENT, NOT SUPPLANT

- By December 10, 2017, the ESSA required that “[t]o demonstrate compliance with [the supplement not supplant requirement], a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving [Title I funds] ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving [Title I funds].”

GUIDANCE UPDATE

TITLE I SUPPLEMENT, NOT SUPPLANT

- The Department recognizes that it is not feasible to implement a new methodology in the middle of a school year
- On December 6, 2017, under the orderly transition to the new statute, the Department notified each State that an LEA didn't need a methodology in place in December 2017 but that the LEA would need to have a methodology in place by the start of the 2018-2019 school year
- We are committed to meeting with stakeholders to receive input toward developing non-regulatory guidance to support States and LEAs in implementing the change to supplement not supplant

GUIDANCE UPDATE

TITLE I SUPPLEMENT, NOT SUPPLANT

- Forthcoming guidance is in development
- Building off the 2015 Schoolwide Guidance, which included two examples:
 - Distribution of non-Federal resources based on characteristics of students (aka weighted per pupil funding formula)
 - Distribution of non-Federal resources based on staffing and supplies
- The Department has identified a list of draft questions that could be included in a guidance document
- We want your feedback – what questions should we make sure the Department's guidance covers?

GUIDANCE UPDATE

TITLE I SUPPLEMENT, NOT SUPPLANT DISCUSSION

- Does the Title I SNS requirements apply to other ESEA programs?
- Are there LEAs that, in whole or in part, do not need to develop a methodology?
- May an LEA use a combination of methodologies?
- To comply with ESEA section 1118(b)(2), must an LEA force teachers to involuntarily transfer to a Title I school?
- Must an LEA adjust its allocation of State and local resources to account for changes during the school year?
- Are State and local funds used at the district level for districtwide activities subject to the Title I SNS requirement?



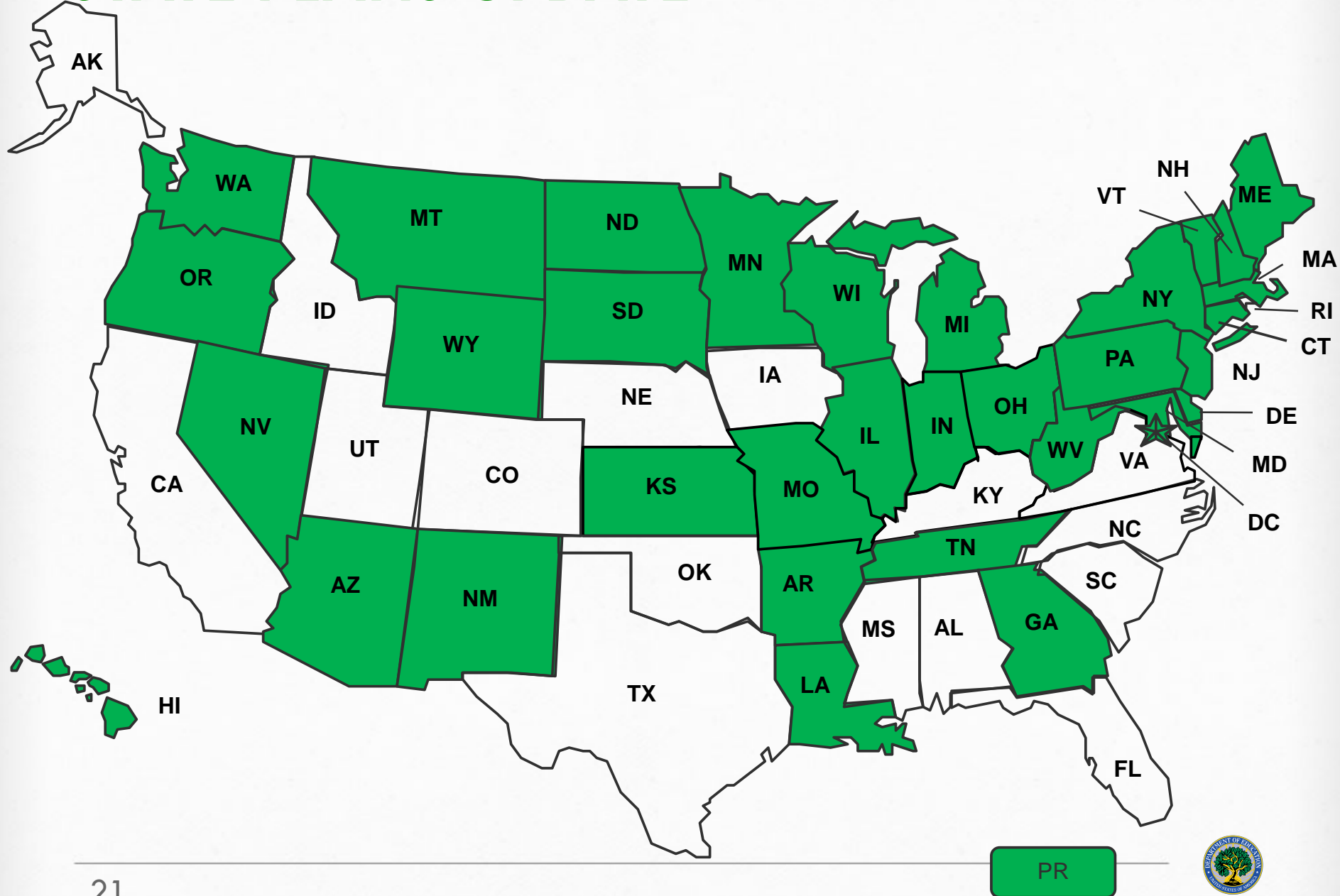


State Plan Update

STATE PLANS UPDATE

- 35 plans from States, the District of Columbia, and Puerto Rico have been approved
- 17 plans are still under review
 - All remaining States have requested extension of the 120-day timeline
 - ED is working with these States to provide assistance and feedback so that they can be approved as quickly as possible

STATE PLANS UPDATE





Student-Centered Funding Pilot

STUDENT-CENTERED FUNDING PILOT

GENERAL INFORMATION

- On February 2, the Department released the draft application for LEAs interested in combining eligible Federal funds with State and local funds to create a single, student-centered funding system as authorized by section 1501 of the ESEA
- Yesterday, the final version of the application was posted at <https://www2.ed.gov/policy/elsec/leg/essa/scfp/studentcentered.html>
- Applicants will propose funding systems that allocate substantially more funding for students from low-income families, English learners, and other educationally disadvantaged student groups



STUDENT-CENTERED FUNDING PILOT

APPLICATION INFORMATION

- For LEAs wishing to implement in 2018-2019, applications are due on March 12
- For those applying for 2019-2020, applications are due on July 15
- The application is available at <https://www2.ed.gov/policy/elsec/leg/essa/scfp/studentcentered.html>
- Up to 50 LEAs can be approved initially
 - LEAs will be approved for 3 years, with the opportunity for the renewal



STUDENT-CENTERED FUNDING PILOT

LEA OPPORTUNITY

- Approved LEAs receive flexibility from many LEA-level programmatic and fiscal requirements
- An LEA has flexibility in determining the details of the system. It must ensure that the system allocates substantially more funds to students from low-income families, English learners, and students with any other characteristics associated with disadvantage chosen by the LEA
- An LEA should propose the system that makes the most sense within its local context consistent with the requirements

STUDENT-CENTERED FUNDING PILOT

LEA RESPONSIBILITY

- The statute requires an LEA operating under this flexibility to ensure that, *in the first year of implementation*, it will allocate *more* per-pupil funding for students from low-income families and *at least as much* funding per-pupil for English learners as it did in the preceding year
- In subsequent years, the LEA must show that high-poverty schools annually receive at least as much funding for students from low-income families and English learners as such school received the previous year
- School districts that receive the flexibility must also provide an assurance that parents, teachers, school leaders and other relevant stakeholders are consulted in the development and implementation of the student-centered funding system



STUDENT-CENTERED FUNDING PILOT

INCLUDED PROGRAMS

- An LEA may choose to include funds from any of the following programs as part of the overall dollars to which it will apply its formula:
 - Title I, Part A
 - Title I, Part C
 - Title I, Part D, Subpart 2
 - Title II
 - Title III
 - Title IV, Part A
 - Title V, Part B
- All regular Federal requirements apply for any Federal funds an LEA does not include when it applies its funding formula



STUDENT-CENTERED FUNDING PILOT

MEETING THE PURPOSES OF INCLUDED PROGRAMS

- An LEA that receives flexibility under this program must still meet the purpose of each included Federal program and must describe how it will do that in the application
 - Including how the LEA will serve students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk
- The LEA must ensure that funds provided through the system will allow the LEA to continue to meet all of its obligations

STUDENT-CENTERED FUNDING PILOT

COMPETITIVELY AWARDED FUNDS

- An LEA may, at its discretion, include funds received under a competitive program in the total dollars to which it applies its single weighted funding system
- Such an LEA must still carry out the scope and objectives, at a minimum, at the level described in the LEA's approved application under which the funds were awarded

STUDENT-CENTERED FUNDING PILOT

PER-PUPIL FUNDING: APPLICATION REQUIREMENT – MARCH APPLICANTS

- Application items 5 & 6 require an LEA to identify the per-pupil expenditures of State and local education funds for each school in the LEA for the fiscal year prior to the year for which the LEA is requesting flexibility and the per-pupil Federal funds received
- Since an LEA requesting flexibility for the 2018-2019 school year may not have final per-pupil expenditure data available yet, and in keeping with the Department's June 2017 Dear Colleague letter that offered flexibility in the timeline for reporting per-pupil expenditures, an LEA may provide estimated per-pupil expenditures in its application, which it must update as soon as final data are available



STUDENT-CENTERED FUNDING PILOT

PER-PUPIL FUNDING: APPLICATION REQUIREMENT – JULY APPLICANTS

- An LEA applying in July 2018 to implement in SY 2019-2020 has two options about per-pupil funding to including the application
- The first option is to provide the **actual** per-pupil expenditures of State and local education funds and the amount of eligible Federal funds received for each school served by the LEA from the fiscal year immediately preceding the year for which the LEA is applying to use the flexibility
- For an applicant applying in July 2018 to use the flexibility in SY2019-2020, that means providing actual per-pupil expenditures of State and local education funds and the amount of eligible Federal funds received for each school served by the LEA from Fiscal Year 2018 (SY 2017-2018).



STUDENT-CENTERED FUNDING PILOT

PER-PUPIL FUNDING: APPLICATION REQUIREMENT – JULY APPLICANTS CONT.

- The second option is to provide the actual per-pupil expenditures of State and local education funds and the amount of eligible Federal funds received for each school served by the LEA from two fiscal years earlier than the year for which the LEA is applying to use the flexibility, adjusted for any significant variances in enrollment or other reasonable adjustment for accuracy as necessary
- An LEA submitting in July 2018 to begin implementing in 2019-2020 that chooses this option would submit data based on SY 2016-2017, adjusted as appropriate
- The LEA would explain its methodology for adjusting data, if it adjusted for enrollment changes or other variances, in question #7 of the application



STUDENT-CENTERED FUNDING PILOT

RESOURCES

- More information is available at:
<https://www2.ed.gov/policy/elsec/leg/essa/scfp/studentcentered.html>
- Please send questions to WeightedFundingPilot@ed.gov



Innovative Assessment Pilot

STATE ASSESSMENTS

INNOVATIVE ASSESSMENT DEMONSTRATION AUTHORITY

- Innovative Assessment Demonstration Authority provides flexibility for States or consortia to:
 1. Evaluate a new approach for assessing students against its challenging State academic standards **AND**
 2. Start small, piloting in a limited number of districts and schools before implementing statewide **AND**
 3. Use the innovative approach for accountability and reporting instead of the current statewide test in pilot participating schools during the pilot phase (avoid double testing)
- Innovative assessment demonstration authority is only needed if a State is seeking to do all of the above
- Can be granted for general assessments, AA-AAAS, or both



STATE ASSESSMENTS

INNOVATIVE ASSESSMENT DEMONSTRATION AUTHORITY

- Notice Inviting Applications for 2018
 - www.federalregister.gov/documents/2018/01/03/2017-28424/applications-for-new-authorities-innovative-assessment-demonstration-authority
 - Application Package for Download at www2.ed.gov/admins/lead/account/saa.html#Related_Programs_and_Initiatives
 - Application Deadline April 2, 2018
 - Anticipate Notification of States by early June, 2018 for 2018-19 implementation
- Technical Assistance
 - Center for Standards and Assessments Implementation
 - www.csai-online.org





Guidance Updates

GUIDANCE UPDATE

REGULATORY REFORM

- In October 2017, as part of the Regulatory Reform Status Report, the Department rescinded several guidance documents that were:
 - Outdated
 - Superseded by ESSA
- These guidance documents no longer have any force or effect
- Full list of OESE rescinded guidance can be found at:
 - <https://www2.ed.gov/policy/elsec/guid/oeserescindedguidancelist.pdf>
- All other guidance is still in effect; however, certain parts may be superseded by changes in ESSA
 - Includes ESSA-related guidance released in 2015 and 2016



SCHOOL IMPROVEMENT GRANT (SIG) FLEXIBILITY

- In response to SEA requests for additional flexibility in light of the new requirements in ESSA, on January 9, 2018, the Department released a Dear Colleague Letter (DCL) regarding the use of remaining SIG funds and an update on reporting requirements
- Use of Remaining SIG Funds
 - A State may at its discretion, use any remaining SIG funds either:
 - Consistent with the SIG final requirements; or
 - Consistent with the requirements in section 1003 of the ESEA as amended by ESSA

SIG FLEXIBILITY

- Use of Remaining SIG Funds
 - A State that decides to use some or all of its remaining SIG funds consistent with section 1003 of the ESEA, as amended by the ESSA, may, at its discretion, permit an LEA that is currently implementing SIG to transition to the requirements of section 1003 with its remaining SIG funds



Questions?

